REMARKS/ARGUMENTS

The invention, as defined by Claim 1, relates to a method for protection against the copying of digital data, in which the method comprises steps of identifying whether the digital data are encrypted, identifying whether the digital data are watermarked, and delivering one of a permission and prohibition to copy and/or to play the digital data as a function of an identification of encryption of the digital data and a watermarking of the digital data.

The Examiner has rejected Claim 1 as unpatentable over U.S. Patent 6,314,518 to Linnartz in view of U.S. Patent 6,393,568 to Ranger et al. The Applicants respectfully request the Examiner to reconsider his rejection.

Linnartz does not show or suggest encrypted digital data. Rather, Linnartz teaches *encoded* digital data such as MPEG encoded data, which is not encrypted. See column 1, lines 35-36. It is therefore clear that Linnartz does not identify whether the digital data are encrypted, as asserted by the Examiner. The Examiner appears to recognize that Linnartz does not show or suggest encrypted digital data since the Examiner has specifically stated that Linnartz does not disclose identifying whether the digital data are encrypted, and delivering one of a permission and prohibition to copy and/or play said digital data as a function of an identification of an encryption of said digital data.

The Examiner has asserted that it would have been obvious to one skilled in the art to combine the teachings of Linnartz with the teaching of U.S. Patent 6,393,568 to Ranger et al. Ranger et al. is directed to an entirely different technology. Ranger attempts to detect viruses in encrypted documents. Ranger et al. teaches that in order to detect viruses, the encrypted document must first be decrypted. The decrypted data is then subject to a virus scan to detect viruses.

The Applicants submit that there is no reason to combine the subject

matter of Ranger et al. with the subject matter of Linnartz. Linnartz does not have encrypted data. The only encryption in Linnartz is the count of the number of copies. If the teachings of Ranger et al were to be included in the teachings of Linnartz, no decryption would take place because there is no encrypted data in Linnartz. As a result, the virus scan would be inoperative because no decryption would have taken place.

It is therefore clear that even if the teachings of Ranger et al. were to be added to the teachings of Linnartz, there would be no step of:

"identifying whether the digital data are encrypted"

as specifically recited in Claim 1. Furthermore, there would be no step of:

"delivering a permission or prohibition to copy and/or play as a function of an identification of encryption of the digital data"

as also specifically recited in Claim 1. It is therefore clear that the patentability of Claim 1 is not affected by Linnartz and Ranger et al., taken either separately or together.

Claims 2-8 and 10-12 are dependent from Claim 1 and add further advantageous features. The Applicants submit that these subclaims are patentable as their parent Claim 1.

Claim 9 is directed to a device for playing digital data stored on a storage medium, including means for detecting whether the digital data are encrypted, and a copy protection system being able to receive signals from the means for detecting to generate a copy permission signal or a copy prohibition signal, as a function of the signals received from the means for detecting. Rather, as shown above, Linnartz does not show or suggest any encryption of digital data. A person skilled in the art would not combine Ranger et al. with Linnartz because Ranger et al. operates on encrypted data, which is absent in Linnartz. It is therefore clear that the patentability of the invention defined by Claim 9 is not affected by the patents to Linnartz and Ranger et al., taken either singly or together.

The Applicants therefore submit that the instant application is now in condition for allowance. A notice to that effect is respectfully solicited.

Respectfully submitted,
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